

EXHIBIT J

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

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4 LI RONG GAO, SHU F. JIANG and XIAO HONG ZHENG,
5 Individually, and on behalf of all
6 others similarly situated,

5

6 WEI S. TAN and WEI J. WU, individually,

6

Plaintiffs

7

- against -

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10 PERFECT TEAM CORPORATION, d/b/a GUANG ZHOU
11 RESTAURANT, JI SHIANG, INC., d/b/a GUANG
12 ZHOU RESTAURANT, FENG LIN, CHUN KIT CHENG,
13 ZHENG, JIA LI WANG, and ZHUO PING
14 a/k/a JUN JIE CHEN, a/k/a CHEUK PING CHEN,

12

Defendants

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14

15

16 Bee Reporting Depo Suite
17 32 Court Street
18 Brooklyn, New York

17

18 March 13, 2012
19 9:21 A.M.

18

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20 EXAMINATION BEFORE TRIAL of FENG LIN,
21 one of the Defendants herein, taken by the
22 attorneys for the Plaintiffs pursuant to Court
23 Order, held before Tracey L. Alexander, a Notary
24 Public in and for the State of New York, at
25 the above stated time and place.

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APPEARANCES:

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BY: SAMUEL CHUANG, ESQ.

Also Present:

JOHN LAU,
Mandarin Interpreter

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S T I P U L A T I O N S

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IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the respective parties hereto, that all rights provided by the C.P.L.R. and Part 221 of the Uniform Rules for the Conduct of Depositions, including the right to object to any question, except as to form, or to move to strike any testimony at this examination shall not be a bar to waiver to make such motion at, and is reserved to, the trial of this action.

IT IS HEREBY STIPULATED AND AGREED, this deposition may be sworn to by the witness being examined before a Notary Public other than the Notary Public before whom this examination was begun, but the failure to do so or to return to the original of this deposition to counsel shall not be deemed a waiver of the rights provided by Rule 3116 of the C.P.L.R. and shall be controlled thereby. The filing of the original of this deposition is waived.

IT IS HEREBY STIPULATED AND AGREED, that a copy of this examination shall be furnished to the attorney for the witness without charge.

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1 Feng Lin

2 J O H N L A U,

3 The Interpreter herein, having been sworn by a
4 Notary Public for the State of New York to translate
5 the questions from English to Mandarin and the
6 answers from Mandarin to English, translated as
7 follows:

8 F E N G L I N,

9 The witness herein, having been duly sworn
10 through the interpreter, was examined and
11 testified as follows:

12 EXAMINATION BY

13 AMY TAI, ESQ.:

14 Q Please state your name for the record.

15 A Feng Lin.

16 Q What is your address?

17 A 6456 Cloverdale Boulevard, Oakland
18 Gardens, New York 11364.

19 MS. TAI: Mr. Lau, I'm going to do a
20 quick voir dire.

21 Are you Court certified to interpret
22 Mandarin to English and English to Mandarin?

23 THE INTERPRETER: Yes.

24 MS. TAI: Which Courts?

25 THE INTERPRETER: Southern and Eastern

86

1 Feng Lin

2 schedule, this schedule had you working six days a
3 week with one day off on Thursday?

4 A According to the schedule that's what it
5 stated.

6 Q Mr. Lin, what information do you have
7 about the Plaintiffs work hours at Guang Zhou
8 Restaurant prior to 2009?

9 A I only pay attention to my work hours.

10 Q Were your work hours similar to Xiao Hong
11 Zhen's work hours?

12 A I think it was different. I didn't pay
13 attention, though. I think it would be different.

14 Q Do you think your work hours were less
15 than five work hours?

16 A I can't tell. I can't say that he worked
17 less than I. I never really compared our work
18 schedule.

19 Q How about were your work hours similar to
20 Li Rong Gao's work hours?

21 A I don't know. It's too hard for me to
22 answer that. I never compared that. I can't say
23 like when they came to work and say what hours they
24 worked, like we don't compare hours every week.

25 Q When you started at Guang Zhou Restaurant

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1 Feng Lin

2 A I don't remember.

3 Q Could Chun Kit Cheng fire employees?

4 A No. I haven't seen it.

5 Q How about Jia Li Wang?

6 A No. I don't know about that.

7 Q Did you fire any employees at the

8 restaurant?

9 A Before 2009?

10 Q Yes.

11 A No.

12 Q Could you fire employees if you wanted

13 to?

14 A How could I fire?

15 Q Have you ever fired a Latino worker at

16 the restaurant?

17 A No.

18 Q Did anyone ever ask you to fire a Latino

19 worker at the restaurant?

20 A Was I told to? I think I was.

21 Q Who told you to?

22 A Jackie, he asked me to be the translator.

23 Maybe he asked me to stop working. I think the

24 dishwasher stopped working. One day someone came in

25 or he didn't come to work, so Jackie asked me to go

1 Feng Lin

2 and say something to him. It was like if you don't
3 want to work with us you can stop tonight.

4 Q Jackie said this to the dishwasher, but
5 asked you to translate it, is that correct?

6 A Yes.

7 Q Did this happen more than once?

8 A A couple of times, once or twice.

9 Q Do you remember when this happened?

10 A I don't recall.

11 Q The one to two times, who were you asked
12 to fire?

13 A Only Jackie told me.

14 Q That's not the question. My question is
15 you said one time it was a dishwasher.

16 A Yes.

17 Q Was the second time also a dishwasher?

18 A Yes.

19 Q Do you remember their names?

20 A I think maybe I asked her to ask him if
21 he had a friend who could come to work. It was
22 because -- it was five years ago, I wouldn't
23 remember.

24 I think I liked this Amigo. He had a
25 friend who wanted to work. I asked him to come to

1 Feng Lin

2 A No, just friends.

3 Q I'm not saying if you were married to
4 her.

5 I'll be more explicit. She is Chun Kit
6 Cheng's sister, little sister, correct?

7 A Jackie's sister, yes.

8 Q Chun Kit Cheng is married to Jia Li Wang
9 who used to be your sister-in-law, correct?

10 A Yes, my ex-wife's sister.

11 Q Did Huang Shi speak any English?

12 A Huang Shi could speak a little bit. Like
13 maybe a little bit better than I.

14 Q Going back, you said she helped with
15 translation. Who did you have to talk to that you
16 would need her to help translate?

17 A I forgot.

18 Q When was the last time she helped you
19 translate?

20 A I don't remember clearly.

21 Q Was it in 2011? This is in relation to
22 the restaurant.

23 A I don't remember clearly.

24 Q How many times did she help you
25 translate?

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1

Feng Lin

2

A A few times, two times, three times. I

3

don't remember clearly.

4

Q Who would you have to talk to that you

5

would need her assistance?

6

A I don't remember clearly.

7

Q Was there anything else that she did for

8

Ji Shiang, Incorporated?

9

A No. I don't think so.

10

Q What do you know about the minimum wage

11

law?

12

A It's okay.

13

Q What do you know about the minimum wage

14

law?

15

A It started on January 1, 2011. The base

16

hours changed to \$5.00. Everyday and everyday the

17

work hours exceed ten hours. One hour would be

18

added on.

19

I'm talking about wages, people who

20

receive tips. It used to be \$4.65 and early on in

21

2009 it was \$4.50 -- or I mean, \$4.60.

22

Then, later on it was increased to \$4.65.

23

If you work forty hours a week and you add in the

24

tips as long as the base salary plus tips exceed

25

\$7.25 that would be okay.

1 Feng Lin

2 Q Is there anything else you want to tell
3 us about what you know about the minimum wage law?

4 A If it's one hour overtime that's 1.5
5 pay, something like that.

6 Q Over how many hours would you get 1.5?

7 A Forty hours.

8 Q How did you learn about these laws?

9 A I went to learn from the accountant and
10 then I went to the lawyer to learn.

11 Q When did you go to the lawyer?

12 A After I took over in June, maybe June
13 1st.

14 Q What year?

15 A 2009.

16 Q Which lawyer is this?

17 A The accountant.

18 Q First I asked you about the lawyer. When
19 did you go to the lawyer?

20 A June.

21 Q Is this W-U, Y-I-J-U-N?

22 A I guess so.

23 Q This was in June 1, 2009, the lawyer?

24 A I made a phone call.

25 Q What did your lawyer tell you?

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1 Feng Lin

2 A He told me about the federal law,
3 basically like that.

4 Q Basically like what?

5 A What I just told you earlier.

6 Q Was there anything else he told you about
7 minimum wage law?

8 A I don't recall.

9 Q Then, when did you go to your accountant?

10 A I guess at the beginning of June, the
11 beginning of June.

12 Q What did your accountant tell you?

13 A He told me what I just told you, things
14 like that. I need to punch cards and how to
15 calculate the hours. We don't even have the
16 accountant look at the card.

17 Q Which accountant is this?

18 A Wuween Shue.

19 Q When did you first hear about minimum
20 wage laws?

21 A I don't know. I have no recollection.

22 Q Did you know about the minimum wage laws
23 in June of 2007?

24 A I knew a little bit.

25 Q What did you know about it at that time?